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11 Z-MAN FISHING PRODUCTS, INC.

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14 UNITED STATES DISTRICT COURT

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16 NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

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18 APPLIED ELASTOMERICS,
19 INCORPORATED, a California corporation

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21 Plaintiff,

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23 v.

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25 Z-MAN FISHING PRODUCTS,
26 INCORPORATED, a South Carolina
27 corporation

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Defendant.

Case No. C062469 CW

ORDER GRANTING STIPULATION
REGARDING BRIEFING SCHEDULE

Honorable Claudia Wilken

Trial Date: November 13, 2007

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18 AND RELATED COUNTERCLAIMS

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20 Plaintiff and Counter-Defendant Applied Elastomerics, Incorporated (“AEI”) and
21 Defendant and Counter-Complainant Z-Man Fishing Products, Incorporated (“Z-Man”), through
22 their respective attorneys and pursuant to the Court’s Local Rule 6-2, hereby stipulate as follows:

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Whereas Z-Man filed its Third Amended Counter-Complaint on March 15, 2007;

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Whereas counsel for AEI filed a motion to dismiss directed to Z-Man’s Third Amended
25 Counter-Complaint on April 9, 2007 with a hearing date set for May 17, 2007;

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1 Whereas counsel for Z-Man is scheduled to commence a jury trial in a different matter in
2 the Common Pleas Court of Defiance County, Ohio on May 14, 2007, which should last at least
3 five days and will conflict with the hearing date currently set for AEI's motion to dismiss.

4 Whereas the parties have met and conferred on continuing the hearing date on AEI's
5 motion to dismiss until May 24, 2007 and agreed to a revised briefing schedule for Defendant's
6 opposition based on a May 24, 2007 hearing date;

7 Whereas the previous time modifications in this case include the following: 1) On April
8 27, 2006, the parties stipulated to provide Z-Man with an additional 20 days within which to
9 respond to AEI's Complaint. 2) On September 28, 2006, pursuant to Z-Man's request, the parties
10 stipulated that the hearing date for the parties' pending motions (Z-Man's transfer motion and
11 AEI's motion to dismiss counterclaims) and the date of the parties' Case Management Conference
12 be rescheduled from October 20, 2006 to November 3, 2006. 3) On December 7, 2006, pursuant
13 to the Court's authorization at the Case Management Conference for the parties to work out a
14 stipulated briefing schedule for AEI's motion to dismiss Z-Man's first amended counterclaims
15 and/or motion for judgment on the pleadings, the parties so stipulated to a briefing schedule and to
16 a hearing date of February 2, 2007. 4) On December 20, 2007 the parties entered into a revised
17 stipulation on the briefing schedule and hearing date for AEI's motion to dismiss Z-Man's First
18 Amended Counter complaint in light of Z-Man's agreement to voluntarily drop some of its
19 counterclaims by bringing a Second Amended Counter-Complaint. 5) On January 23, 2007 the
20 parties entered a stipulation extending time for Z-Man to respond to AEI's motion to dismiss the
21 Second Amended Counter-Complaint in light of a calendaring error which caused Z-Man not to
22 file its opposition to AEI's motion on January 19, 2007 when it was otherwise due pursuant to the
23 parties' December 20, 2007 stipulation. 6) On March 20, 2007, the parties entered a stipulation
24 extending the time for AEI to respond to Z-Man's Third Amended Counter-Complaint to April 12,
25 2007.

26 Whereas this stipulation will not have any affect on the schedule for the case.

27 **IT IS HEREBY STIPULATED** between AEI and Z-Man as follows:

28 1) The hearing date for AEI's motion to dismiss directed to Z-Man's Third Amended

1 Counter-Complaint shall be continued from May 17, 2007 to May 24, 2007 at 2:00 p.m.

2 2) Z-Man's opposition to AEI's motion to dismiss shall be filed on or before April 30,
3 2007. AEI's reply thereto shall be filed on or before May 10, 2007.

4 Dated: April 18, 2007

MORRISON & FOERSTER, LLP

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6 By: /S/ JENNIFER TAYLOR
7 JENNIFER TAYLOR
8 Attorneys for Plaintiff and Counter-Defendant
Applied Elastomerics, Inc.

9 Dated: April 18, 2007

DILLINGHAM & MURPHY

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11 By: /S/ MARK ROGERS
12 MARK J. ROGERS
13 Attorneys for Defendant and Counter-Complainant
Z-Man Fishing Products, Inc.

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IT IS SO ORDERED.

4/23/07

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Dated: _____



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17 HONORABLE CLAUDIA WILKEN

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